

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Team # 5	CCRB Case #: 201404743	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/09/2014 2:39 AM	Location of Incident: Loring Avenue and Drew Street and the 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 11/9/2015	EO SOL 11/9/2015	
Date/Time CV Reported Sat, 05/10/2014 8:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/15/2014 1:29 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Radoslaw Terepka	14042	926200	075 PCT
3. POM Todd Hansen	13329	949083	075 PCT
4. POM David Pralgo	23516	916465	075 PCT
5. SSA Robert Martinez	01369	922716	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gregg Minardi	04986	940475	075 PCT
2. POM Anthony Donaldson	08286	941671	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Todd Hansen	Force: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen pointed his gun at § 87(2)(b)	
B.POM David Pralgo	Force: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo pointed his gun at § 87(2)(b)	
C.SSA Robert Martinez	Force: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez pointed his gun at § 87(2)(b)	
D.POM David Pralgo	Abuse: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo damaged § 87(2)(b)'s property.	
E.POM Todd Hansen	Force: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen used physical force against § 87(2)(b)	
F.POM David Pralgo	Force: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo used physical force against § 87(2)(b)	
G.SSA Robert Martinez	Force: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez used physical force against § 87(2)(b)	
H. An officer	Force: At Loring Avenue and Drew Street in Brooklyn, an officer struck § 87(2)(b) with a blunt instrument.	

Officer(s)	Allegation	Investigator Recommendation
I. An officer	Force: At Loring Avenue and Drew Street in Brooklyn, and officer hit § 87(2)(b)'s head against the ground.	
J.POM Todd Hansen	Discourtesy: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen spoke rudely to § 87(2)(b)	
K.POM David Pralgo	Discourtesy: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo spoke rudely to § 87(2)(b)	
L.SSA Robert Martinez	Discourtesy: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez spoke rudely to § 87(2)(b) § 87(2)(b)	
M.POM Radoslaw Terepka	Force: At Loring Avenue and Drew Street in Brooklyn, PO Radoslaw Terepka used physical force against § 87(2)(b) § 87(2)(b)	
N.SSA Robert Martinez	Off. Language: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez made remarks to § 87(2)(b) § 87(2)(b) based upon race.	
O.POM Radoslaw Terepka	Abuse: En route to and at the 75th Precinct stationhouse, PO Radoslaw Terepka did not obtain medical treatment for § 87(2)(b) § 87(2)(b)	
P.POM Radoslaw Terepka	Discourtesy: En route to and at the 75th Precinct stationhouse, PO Radoslaw Terepka spoke rudely to § 87(2)(b) § 87(2)(b)	

### Case Summary

On May 10, 2014, § 87(2)(b) filed the following complaint via telephone with IAB, generating original log number 2014-165358. On May 15, 2014, IAB referred the case to the CCRB.

On May 9, 2014, PO David Pralgo, PO Todd Hansen, and Sgt. Robert Martinez of the 75<sup>th</sup> Precinct chased and pulled over a vehicle driven by § 87(2)(b) who was subsequently arrested. The following allegations resulted:

- **Allegation A - Force: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen pointed his gun at § 87(2)(b) and § 87(2)(b)**
- **Allegation B - Force: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo pointed his gun at § 87(2)(b) and § 87(2)(b)**
- **Allegation C - Force: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez pointed his gun at § 87(2)(b) and § 87(2)(b)**
- **Allegation D - Abuse of Authority: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo damaged § 87(2)(b)'s property.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation E - Force: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen used physical force against § 87(2)(b)**
- **Allegation F - Force: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo used physical force against § 87(2)(b)**
- **Allegation G - Force: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez used physical force against § 87(2)(b)**
- **Allegation H - Force: At Loring Avenue and Drew Street in Brooklyn, an officer struck § 87(2)(b) with a blunt instrument.**
- **Allegation I - Force: At Loring Avenue and Drew Street in Brooklyn, an officer hit § 87(2)(b)'s head against the ground.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation J - Discourtesy: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen spoke rudely to § 87(2)(b)**
- **Allegation K - Discourtesy: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo spoke rudely to § 87(2)(b)**
- **Allegation L - Discourtesy: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez spoke rudely to § 87(2)(b)**  
§ 87(2)(g)  
[REDACTED]
- **Allegation M - Force: At Loring Avenue and Drew Street in Brooklyn, PO Radoslaw Terepka used physical force against § 87(2)(b)**
- **Allegation N - Offensive Language: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez made remarks to § 87(2)(b) based upon race.**

- **Allegation O - Abuse of Authority: En route to and at the 75<sup>th</sup> Precinct stationhouse, PO Radoslaw Terepka refused to obtain medical treatment for § 87(2)(b)**
- **Allegation P - Discourtesy: En route to and at the 75<sup>th</sup> Precinct stationhouse, PO Radoslaw Terepka spoke rudely to § 87(2)(b)**

§ 87(2)(g)

This case was ineligible for mediation.

§ 87(2)(b) alleged that after his arrest, cash and personal property were missing from his vehicle. An IAB spin-off addressing these allegations was created on June 4, 2014 (CCRB case number § 87(2)(b))

### **Results of Investigation**

#### **Civilian Statements**

**Complainant:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a female of unknown race.*

#### **Statement to IAB**

On May 10, 2014, § 87(2)(b) provided a statement to IAB (encl. 6A-C).

On May 9, 2014, § 87(2)(b)'s son, § 87(2)(b) was kicked, punched, and arrested by unidentified officers. § 87(2)(b) noted that § 87(2)(b) is disabled.

**Victim:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 6' tall, weighs 225 pounds, and has black hair and brown eyes.*

#### **CCRB Statement**

On May 30, 2014 and August 11, 2014, § 87(2)(b) provided telephone statements (encl. 8A, 8K). On June 9, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 8B-J). § 87(2)(g)

On May 9, 2014, shortly prior to 2:39 a.m., § 87(2)(b) and his passenger, § 87(2)(b) were pulled over at the intersection of Rockaway Avenue and Hegeman Avenue by an unmarked black Chevrolet Impala. § 87(2)(b) noted that he was sober at the time of the incident. § 87(2)(b) waited for approximately three to five minutes, but the vehicle's flashing lights turned off and no officers exited the vehicle. This prompted § 87(2)(b) to drive away and make a right onto Rockaway Avenue.

§ 87(2)(b) drove towards the Queens border and ran one red light. While he was on either the Belt Parkway or Conduit Avenue driving at approximately 60 to 65 miles per hour, § 87(2)(b) noticed that the same unmarked Impala was following him. The Impala then put its turret lights on, but § 87(2)(b) continued to drive. § 87(2)(b) drove for "a couple of exits," made a right back towards Brooklyn, and then pulled over near a group of people at a location he could not identify. The unmarked Impala stopped behind him and three to four officers, identified by the

investigation as PO Todd Hansen, PO David Pralgo, and Sgt. Robert Martinez, exited the vehicle. The officers pointed their guns at § 87(2)(b) and § 87(2)(b) and PO Pralgo broke the front passenger side window. § 87(2)(b) described PO Pralgo as a 5'8" tall, 220 to 230 pound plainclothes white male who was 40 years old and had an average to stocky build, tan skin, and black hair.) The officers then ordered § 87(2)(b) to get out of the car. PO Hansen, who § 87(2)(b) described as a 6'3" tall, 230 pound white male with an athletic build, a Russian accent, and blond hair, pulled him out of the car by his head and his chest and threw him face down onto the ground. § 87(2)(b) put his hands behind his back and the officers then punched and kicked § 87(2)(b) in his head, jaw, ribs, and elbows, pinned his legs down, and placed their knees in his back. § 87(2)(b)'s elbow was also hit with a blunt object. § 87(2)(b) believed an officer banged his head against the ground and then held it down. § 87(2)(b) could not move and did not physically resist the officers, but was screaming and cursing. PO Hansen, PO Pralgo, and PO Martinez told § 87(2)(b) to "shut the fuck up" and used numerous other unspecified profanities. § 87(2)(b) later learned from § 87(2)(b) that the officers had their guns pointed at him while he was being assaulted. Approximately two to three minutes later, § 87(2)(b) was handcuffed by an unidentified officer. The officers continued to punch and kick § 87(2)(b) for "a couple of minutes" after he was handcuffed. As a result, § 87(2)(b) cannot bend or lean on his right elbow and sustained a bump on his forehead, soreness in his jaw and ribs, and pain in his right leg.

§ 87(2)(b) was lifted off of the ground and escorted towards a marked police van. One officer, possibly PO Terepka, took his gloves off and dug his nails in to § 87(2)(b)'s right arm, resulting in lacerations. § 87(2)(b) believed PO Terepka and PO Hansen was the same officer.) § 87(2)(b) entered the van and noticed that additional units and an unknown number of additional unidentified officers had arrived at the scene in the marked van and a marked sedan. Sgt. Martinez then called § 87(2)(b) a "stupid motherfucking nigger." During his telephone statement on May 30, 2014, § 87(2)(b) stated that all of these officers searched his vehicle and Sgt. Martinez called him a "fucking nigger." § 87(2)(b) said he was going to sue the officers and Sgt. Martinez replied, "You wouldn't be the first nigger who did it." Sgt. Martinez used the word "nigger" at least twice. § 87(2)(b) recalled Sgt. Martinez's last name as "Palapi" and described him as a 6' tall, 230 pound plainclothes white male in his late 40s with an average build and low cut hair. PO Terepka told § 87(2)(b) that Sgt. Martinez was the highest ranking officer at the scene.

§ 87(2)(b) was taken to the 75<sup>th</sup> Precinct stationhouse by PO Terepka (operator) and another unidentified officer when PO Terepka said, "What the fuck is your name?" During his telephone statement on May 30, 2014, § 87(2)(b) stated that PO Terepka said, "What the fuck is wrong with you?" and that an unidentified officer whom he could not describe that rode with him to the stationhouse used expletives towards him at the stationhouse. While en route to the stationhouse and at the stationhouse itself, § 87(2)(b) requested medical attention numerous times to numerous officers, including the cell attendant, but did not receive any. § 87(2)(b) asked for her asthma pump, which she left in the car, and never received it. She was released without charges after "a couple of hours." § 87(2)(b) was transported to central booking and requested medical attention again, but was told that it would delay his processing.

After being released, § 87(2)(b) learned that the car was searched and that the engine no longer worked. The car was driven from the scene of the incident to the 75<sup>th</sup> Precinct stationhouse, so § 87(2)(b) was certain that it broke down while in police custody. § 87(2)(b) had to have the vehicle towed from the 75<sup>th</sup> Precinct stationhouse.

**Witness:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a Hispanic female.*

**CCRB Statement**

On May 30, 2014, § 87(2)(b) provided a telephone statement (encl. 9A). § 87(2)(g)

There was one marked car, two unmarked cars, and one marked van at the scene. § 87(2)(b) received scratches on her breasts from the broken glass. Approximately four plainclothes officers and four uniformed officers kicked and punched § 87(2)(b) and held his face onto the ground. An unidentified officer, whom § 87(2)(b) described as a 5'9" to 5'10" tall, 180 to 200 pound plainclothes white male in his mid-30s with a slightly chubby build and black or dark brown hair, called § 87(2)(b) a nigger while they were punching and kicking him and said, "Why didn't you fucking stop? We were fucking following you." Another unidentified officer, whom § 87(2)(b) described as a 5'8" to 5'10" plainclothes white male in his early 30s that weighed over 200 pounds and had a fat build and dark blond hair, pushed § 87(2)(b) against the car, handcuffed her, and placed her in a marked van. § 87(2)(b) did not recall § 87(2)(b) being assaulted after he was handcuffed. At the 75<sup>th</sup> Precinct stationhouse, § 87(2)(b) requested and received an asthma pump.

§ 87(2)(b) scheduled interviews for June 10, 2014 and June 16, 2014, both of which she missed without providing advanced notice.

**Witness:** § 87(2)(b)

- *At the time of the incident, § 87(2)(b) a black male, was § 87(2)(b) old and was employed § 87(2)(b) was identified via a subpoena sent to § 87(2)(b).*

**CCRB Statement**

On July 9, 2014, § 87(2)(b) provided a telephone statement (encl. 10A-B). § 87(2)(g)

§ 87(2)(b) turned onto Loring Avenue and encountered a police roadblock consisting of two or three unmarked cars, and stopped with its two front windows open. An officer pulled § 87(2)(b) out of the vehicle by his hair while another officer pulled him by his neck and shoulders and brought him to the ground. § 87(2)(b) described this officer as a 5'11" to 6' tall, 170 pound uniformed white male in his late 20s or early 30s with a medium build, fair skin, and black or brown hair. The officers did not break any of the vehicle's windows or strike the vehicle's windows with any blunt objects. While § 87(2)(b) was lying face-down on the ground, an unidentified officer placed his foot on his neck but did not appear to restrict his breathing. § 87(2)(b) described this officer as a 5'10" tall, 180 pound plainclothes Hispanic male in his mid-30s with a stocky build, tan skin, and buzzed black hair. § 87(2)(b) resisted arrest by pulling his arms away from the officers to avoid being handcuffed. There were approximately six to seven officers "wrestling" with § 87(2)(b) on the ground trying to handcuff him. The officers did not punch or kick § 87(2)(b) strike him with a blunt object, or intentionally bang § 87(2)(b)'s head against the ground. Additional officers arrived at the scene in six marked vehicles during the struggle. Less than two minutes after being pulled out of his vehicle, § 87(2)(b) was handcuffed and immediately brought to his feet. § 87(2)(b) was brought to a marked police vehicle, where

he was bent over the trunk and searched. An unidentified officer told § 87(2)(b) to "shut the fuck up." The officers said no other profanities and did not use the word "nigger." Numerous officers searched the Caravan. § 87(2)(b) did not see an officer dig his or her nails into § 87(2)(b)'s arm. § 87(2)(b) was transported away from the scene in a marked vehicle.

**Witness:** § 87(2)(b)

- *At the time of the incident, § 87(2)(b) a black male, was § 87(2)(b) old and was employed by § 87(2)(b). § 87(2)(b) was identified via a subpoena sent to § 87(2)(b).*

**CCRB Statement**

On July 17, 2014, § 87(2)(b) provided a telephone statement (encl. 12A). § 87(2)(g)

None of the officers had their guns drawn. The officers ordered § 87(2)(b) to get out of the vehicle once. Two officers (a 5'8" tall, 200 pound plainclothes white male in his early 40s with a lean or athletic build and a 5'11" to 6' tall plainclothes white male in his mid-40s who weighed over 200 pounds and had a stocky build and black hair) then pulled him out of the vehicle. On the ground, PO Hansen struck the male in the back and the ribs with his knees. Approximately six to eight additional officers in three marked police vehicles and one police van arrived at the scene. Two additional officers (a 6" tall plainclothes white male in his 40s who weighed less than 200 pounds and had a skinny build and a 5'10", 200 pound plainclothes white male in his 40s with a stocky build) joined the struggle on the ground. § 87(2)(b) was not resisting arrest and was not moving his body. The struggle on the ground lasted for a total of about 15 to 20 minutes. § 87(2)(b) continued to shout and call the officers names as he was being searched. Two unidentified officers searched § 87(2)(b)'s van. No officers used any profanities during the incident.

**Witness:** § 87(2)(b)

- *At the time of the incident, § 87(2)(b) a black male, was § 87(2)(b) old and was employed by § 87(2)(b). § 87(2)(b) was identified via a subpoena sent to § 87(2)(b).*

**CCRB Statement**

On July 10, 2014, § 87(2)(b) provided a telephone statement (encl. 11A).

On May 9, 2014, at approximately 2:30 a.m., § 87(2)(b) saw numerous marked and unmarked police vehicles chasing a van down Drew Street. The van and the police cars turned right onto Loring Avenue and stopped near a Chinese restaurant. § 87(2)(b) did not observe what happened after the van was stopped. He heard the officers say, "Get out," and, "Get down," but could not hear anything else.

**NYPD Statements:**

**Subject Officer: PO TODD HANSEN**

- *PO Todd Hansen, § 87(2)(b) old at the time of the incident, is a white male who is 5'10" tall, weighs 220 pounds, and has gray hair and blue eyes.*

- *On May 9, 2014, Hansen worked in plainclothes from 10:00 p.m. (on May 8, 2014) to 6:35 a.m. and was assigned to Precinct Anti-Crime. He was working with Sgt. Robert Martinez and PO David Pralgo and was assigned to an unmarked blue Ford Crown Victoria vehicle number 202.*

### **Memo Book**

PO Hansen's memo book was generally consistent with his CCRB statement (encl. 17B-D).

### **CCRB Statement**

On September 10, 2014, PO Hansen was interviewed at the CCRB (encl. 17E-H).

On May 9, 2014, at approximately 2:30 a.m., PO Todd Hansen was travelling westbound on Sutter Avenue in Brooklyn with PO David Pralgo and Sgt. Robert Martinez and observed a minivan travelling north on Fountain Avenue at a high rate of speed. The minivan ran a red light and made a right turn onto Sutter Avenue, nearly crashing into the RMP. PO Pralgo made a U-turn, turned the RMP's turret lights and sirens on, and followed the vehicle eastbound on Sutter Avenue into Queens. The minivan, which was being driven by § 87(2)(b) ran several red lights at major intersections, crossed the double yellow line, ran stop signs, maintained a high rate of speed, and went the wrong way down one-way streets. At one point, the minivan stalled and PO Hansen and Sgt. Martinez exited the RMP and attempted to apprehend § 87(2)(b). However, § 87(2)(b) was able to get the minivan started and backed it up approximately four or five feet, stopping one foot away from the RMP. The pursuit crossed back into Brooklyn and an unknown number of additional RMPs joined in the pursuit. The minivan stopped and died on top of the double yellow line on Loring Avenue near Drew Street.

PO Pralgo pulled behind § 87(2)(b)'s minivan and stopped the RMP. A total of seven to nine RMP's were at the scene. PO Hansen approached the driver's side of § 87(2)(b)'s vehicle while Sgt. Martinez approached the passenger side, where § 87(2)(b) was seated. PO Hansen feared for his safety because people usually stop their cars for police and he assumed it was stolen or contained contraband such as weapons or narcotics. PO Hansen pointed his gun towards § 87(2)(b)'s window, where § 87(2)(b) was still seated, and saw § 87(2)(b) attempt to stuff something in his pocket. The front passenger side window was broken but PO Hansen did not know how it broke. Four to five pieces of broken glass flew into PO Hansen's mouth, which he spat out. Neither PO Hansen nor anyone else was injured by the broken glass.

PO Hansen ordered § 87(2)(b) to exit the car twice and he replied, "No." PO Hansen holstered his gun and opened the driver's side door. PO Hansen then took § 87(2)(b) out of the car by grabbing his left arm and his shirt and brought him to the ground. § 87(2)(b) kept his hands underneath his chest and stomach. PO Hansen ordered § 87(2)(b) to take his arms out from underneath his body, but § 87(2)(b) refused to do so. He tried pulling § 87(2)(b)'s arms but they would not come out from underneath him. As per his training, PO Hansen put one knee into § 87(2)(b)'s waist area and delivered one punch to his kidney area, freeing § 87(2)(b)'s arms and allowing him to handcuff § 87(2)(b). The struggle lasted approximately twenty seconds. PO Hansen noted that three or four officers were on top of § 87(2)(b) trying to get his hands out from underneath him. He did not know if PO Terepka, PO Donaldson, or PO Minardi assisted assist in handcuffing § 87(2)(b). PO Hansen did not kick or punch § 87(2)(b) (except the one punch to free his hand) or strike him with a blunt object and did not know if any other officer did so. No officer slammed § 87(2)(b)'s head against the ground.



PO Terepka lifted § 87(2)(b) off of the ground and escorted to an RMP. PO Hansen was not aware of PO Terepka or any other officer digging his nails into § 87(2)(b)'s arm and PO Hansen did not do so himself. PO Hansen and an unidentified uniformed officer searched § 87(2)(b)'s vehicle. PO Hansen found marijuana in plain view on the floor between the driver and passenger seats. He believed that they went through the glove. He did not know who transported the car to the stationhouse or how it was transported.

PO Hansen rode in the RMP with PO Terepka and § 87(2)(b) to the 75<sup>th</sup> Precinct stationhouse, where he performed an inventory search of the vehicle. § 87(2)(b) did not request medical attention from PO Hansen. PO Hansen was not aware of § 87(2)(b) requesting medical attention at all. PO Hansen did not refuse § 87(2)(b) medical attention and was unaware of any other officer doing so. § 87(2)(b) had some cuts and scratches on his arms. PO Hansen did not use any profanities during this incident and did not hear any other officer do so. Neither PO Hansen nor any other used the word “nigger” at all. The vehicle was released to § 87(2)(b)'s girlfriend/wife, but it would not start. PO Hansen and another officer pushed the vehicle to a side street, where it was towed away.

**Subject Officer: PO DAVID PRALGO**

- *PO David Pralgo, § 87(2)(b) old at the time of the incident, is a white male who is 5'11" tall, weighs 250 pounds, and has brown hair and brown eyes.*
- *On May 9, 2014, PO Pralgo worked in plainclothes from 10:00 p.m. to 6:35 a.m. and was assigned to Precinct Anti-Crime. He was working with Sgt. Robert Martinez and PO Todd Hansen and was assigned to an unmarked blue Ford Crown Victoria, vehicle number 202.*

**Memo Book**

PO Pralgo's memo book was generally consistent with his CCRB statement (encl. 16B-C).

**CCRB Statement**

On September 10, 2014, PO Pralgo was interviewed at the CCRB (encl. 16D-G). § 87(2)(g)

§ 87(2)(b)

PO Hansen went to the minivan's front driver side door with approximately seven to ten uniformed officers. PO Pralgo exited the RMP and approached § 87(2)(b). He did not know whether any officers drew or pointed their guns and he did not do so himself. PO Pralgo saw PO Hansen and two uniformed officers remove § 87(2)(b) out of the vehicle and handcuff him. When PO Pralgo arrived at the vehicle, § 87(2)(b) was being handcuffed. PO Pralgo did not know whether § 87(2)(b) offered resistance. PO Pralgo did not make physical contact with § 87(2)(b). PO Pralgo did not see any visible injuries on § 87(2)(b) but noted that § 87(2)(b) was attributing pain in his leg to an injury he received from being shot. § 87(2)(b) was placed in PO Pralgo's RMP, which did not have a cage. PO Pralgo drove § 87(2)(b) to the 75<sup>th</sup> Precinct stationhouse with Sgt. Martinez. PO Pralgo was “almost positive” that PO Hansen was in the back seat, but said it was possible that PO Terepka, the arresting officer, changed spots with PO Hansen and was in the back seat with § 87(2)(b). PO was unaware of any officers stopping § 87(2)(b) earlier that day. § 87(2)(b)'s vehicle was searched at the scene of his arrest by one of PO Pralgo's partners on the anti-crime team whom he could not recall. PO Donaldson drove § 87(2)(b)'s vehicle to the stationhouse. PO Pralgo did not interact with the vehicle at the stationhouse.

**Subject Officer: SGT ROBERT MARTINEZ**

- *Sgt. Robert Martinez, § 87(2)(b) old at the time of the incident, is a white male who is 6'1" tall, weighs 208 pounds, and has a bald head and brown eyes.*
- *On May 9, 2014, Sgt. Martinez worked in plainclothes from 9:56 p.m. (on May 8, 2014) to 6:40 a.m. and was assigned to Precinct Anti-Crime as the anti-crime sergeant. He was working with PO Todd Hansen and PO David Pralgo and was assigned to an unmarked blue Ford Crown Victoria, vehicle number 202.*

**Memo Book**

Sgt. Martinez's memo book was generally consistent with his CCRB statement (encl. 18B-D).

**CCRB Statement**

On September 18, 2014, Sgt. Martinez was interviewed at the CCRB (encl. 18E-H). § 87(2)(g)

Sgt. Martinez exited the RMP with his gun pointed towards § 87(2)(b)'s car and ordered § 87(2)(b) and § 87(2)(b) to exit the vehicle at least ten to twenty times for approximately one to two minutes. PO Pralgo and PO Hansen exited the vehicle as well, along with two uniformed officers from another vehicle. Sgt. Martinez recalled one unidentified officer in uniform standing near him on the passenger side of § 87(2)(b)'s car. § 87(2)(b) and § 87(2)(b) refused to exit the car. After a few minutes had passed, an unidentified officer broke one of the windows of § 87(2)(b)'s car. Sgt. Martinez believed this window was on the driver's side of the car. He did not recall if he had ordered an officer to break the window. Sgt. Martinez holstered his gun once he saw an unidentified officer take § 87(2)(b) out of the car. When Sgt. Martinez got to the driver's side of § 87(2)(b)'s car, § 87(2)(b) was lying on the ground face down and was being placed in handcuffs. Sgt. Martinez could not recall exactly how many officers were involved in handcuffing § 87(2)(b). He was not involved in the process of handcuffing § 87(2)(b) and did not make physical contact with him. Sgt. Martinez could not recall if § 87(2)(b) rode with him to the stationhouse or if PO Terepka took § 87(2)(b) to the stationhouse. Sgt. Martinez left in the same RMP which he had arrived in and believed that he was with the same officers he arrived with. He did not know if the car was searched at the scene of the incident. He did not search the vehicle on scene or at the stationhouse. Sgt. Martinez was unaware of § 87(2)(b) having any interaction with officers that same day prior to the vehicle pursuit.

**Subject Officer: PO RADOSLAW TEREPKA**

- *PO Radoslaw Terepka, § 87(2)(b) old at the time of the incident, is a white male who is 5'11" tall, weighs 190 pounds, and has blond hair, blue eyes, and a Russian accent.*
- *On May 9, 2014, PO Terepka worked in plainclothes from 10:00 p.m. to 6:15 a.m. and was assigned to Precinct Anti-Crime. He was working with PO Gregg Minardi and PO Anthony Donaldson and was assigned to unmarked RMP number 393.*

**Memo Book**

PO Terepka's memo book was generally consistent with his CCRB statement (encl. 13B-D).

**On-Line Booking Sheet and Complaint Report (encl. 13E-L)**

§ 87(2)(b)'s arrest report, prepared by PO Terepka, notes that § 87(2)(b) was observed disregarding steady red lights at numerous intersections at a high rate of speed and that he was found in possession of one plastic bag of marijuana.

### **CCRB Statement**

On August 14, 2014, PO Terepka was interviewed at the CCRB (encl. 13M-O). § 87(2)(g)

On May 9, 2014, at approximately 2:00 a.m., PO Terepka received a radio run from the other half of the 75<sup>th</sup> Precinct anti-crime team, which was pursuing a vehicle and requested assistance. PO Terepka arrived at Loring Avenue and Drew Street and observed approximately one unmarked and three or four marked police vehicles at the location. PO Hansen and approximately three to four unidentified uniformed officers were standing on the driver's side of the vehicle. There were additional unidentified officers standing on the passenger side. PO Terepka did not recall seeing any officers with their guns drawn or pointed and noted that he did not do so himself. PO Terepka saw broken glass by the car but did not see any officer break a window. The driver's side window of the vehicle was broken. As PO Terepka ran towards the vehicle, he saw the five officers standing on the driver's side pull § 87(2)(b) out of the car and to the ground. When PO Terepka arrived at the vehicle, § 87(2)(b) was already handcuffed. He did not see the struggle prior to the handcuffing but observed § 87(2)(b) pushing the officers and pulling his arms away from them. No officer, including PO Terepka, punched, kicked, or kned § 87(2)(b) or struck him with any blunt instruments. PO Terepka did not dig his nails into § 87(2)(b)'s arm as he escorted him to an RMP and did not search § 87(2)(b)'s person. PO Terepka did not search § 87(2)(b)'s vehicle. PO Terepka placed § 87(2)(b) into his RMP and transported him to the 75<sup>th</sup> Precinct stationhouse. PO Terepka was the operator and additional unidentified officers were in the RMP. § 87(2)(b) had no visible injuries.

#### **Witness Officer: GREGG MINARDI**

- *PO Gregg Minardi, § 87(2)(b) old at the time of the incident, is a white male who is 5'7" tall, weighs 175 pounds, and has black hair and brown eyes.*
- *On May 9, 2014, PO Minardi worked in plainclothes from 10:00 p.m. to 6:35 a.m. and was assigned to Precinct Anti-Crime. He was working with PO Radoslaw Terepka and PO Anthony Donaldson and was assigned to unmarked silver Chevrolet Impala, RMP number 393.*

### **Memo Book**

PO Minardi's memo book was generally consistent with his CCRB statement (encl. 14B-D).

### **CCRB Statement**

On August 28, 2014, PO Minardi was interviewed at the CCRB (encl. 14E-G). § 87(2)(g)

PO Minardi exited the RMP and noticed four or five marked RMPs, one or two police vans, at least two unmarked RMPs, and over a dozen officers present at the and § 87(2)(b) was already handcuffed. PO Minardi did not see Sgt. Martinez, PO Pralgo, or PO Hansen standing around § 87(2)(b) and did not learn if they were involved in handcuffing him. The front passenger side window of § 87(2)(b)'s vehicle was broken. PO Minardi did not see any officers pull § 87(2)(b) out of his car. He did not interact with § 87(2)(b) or make any physical contact with him. He did not see any officers physically struggling with § 87(2)(b). PO Minardi did not see an officer dig his nails into § 87(2)(b)'s right arm while walking him to an RMP. He did not see § 87(2)(b) being searched at the location of the incident. PO Minardi opened the vehicle's rear hatch, stuck his head inside the trunk, and performed a cursory search, but otherwise did not enter

the vehicle. PO Minardi did not see any officers search the vehicle at the location of the incident. PO Minardi did not believe any officers from his unit transported § 87(2)(b) to the stationhouse and did not know which vehicle § 87(2)(b) was transported in. PO Minardi left the scene with PO Terepka and did not recall § 87(2)(b) being in his RMP. PO Donaldson drove § 87(2)(b)'s vehicle to the stationhouse.

**Witness Officer: PO ANTHONY DONALDSON**

- *PO Anthony Donaldson, § 87(2)(b) old at the time of this interview, is a white male who is 5'10" tall, weighs 190 pounds, and has brown hair and brown eyes.*
- *On May 9, 2014, PO Minardi worked in plainclothes from 10:00 p.m. to 6:35 a.m. and was assigned to Precinct Anti-Crime. He was working with PO Radoslaw Terepka and PO Gregg Minardi and was assigned to unmarked gray Chevrolet Impala, RMP number 393.*

**Memo Book**

PO Donaldson's memo book was generally consistent with his CCRB statement (encl. 15B-C).

**CCRB Statement**

PO Donaldson was not sure who transported § 87(2)(b) to the 75<sup>th</sup> Precinct stationhouse. PO Donaldson performed a cursory search of the area surrounding the driver's seat of § 87(2)(b)'s vehicle. He did not recall a window being broken or seeing broken glass in the vehicle or at the scene. He did not recall the vehicle having any mechanical problems and noted that it was fully operable. No contraband or any other items that needed to be vouchered were found in the vehicle. An inventory search was conducted at the stationhouse by PO Terepka.

**Officers Not Interviewed**

All of the officers interviewed indicated that numerous additional units were present at the scene of the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**NYPD Documents**

- **Event Report and Police Radio Communications**

The Event Chronology and Event Information Sheet for the incident note that at 2:21 a.m., Sgt. Martinez reported pursuing a possible stolen vehicle at Sutter Avenue and 81<sup>st</sup> Street in Queens. The car was running poorly and appeared to be stalling out. At 2:32 a.m., two individuals were taken into police custody at Loring Avenue and Drew Street and Sgt. Martinez requested no further units to the location. At 2:39 a.m., two arrests were affected by the other anti-crime unit (encl. A-F).

- **Roll Call**

The roll call from Tour 1 of May 9, 2014 reveals that Sgt. Martinez was the Anti-Crime supervisor and was assigned to vehicle 202 with PO Hansen and PO Pralgo. The other Anti-Crime unit consisted of PO Minardi, PO Terepka, and PO Donaldson, who were assigned to vehicle 393 (encl. 22A)

- **Command Log**

§ 87(2)(b) and § 87(2)(b) were entered into the Command Log by PO Terepka at 2:45 a.m. Their physical and mental conditions were listed as “good.” § 87(2)(b) s arrest was voided at 4:45 a.m. (encl. 24A)

- **Arrest Photograph**

§ 87(2)(b) s arrest photograph shows a bruise on the left side of his forehead (encl. 19A).

**Other Evidence**

- Photographs taken by Inv. Lozada during § 87(2)(b) s CCRB interview on June 9, 2014 depict scars on § 87(2)(b) s wrists and right arm from injuries that he allegedly sustained during the incident (encl. 8F-H)

**Summons/Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Status of Civil Proceedings**

- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York as of October 17, 2014 with regard to the incident.

**Civilian’s Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Civilian’s CCRB History (encl. 4A-B)**

- § 87(2)(b) has filed the following CCRB complaints:

- § 87(2)(b)  
[REDACTED]

**Subject Officers’ CCRB History**

- PO Todd Hansen has been a member of the service for four years and there is one substantiated CCRB allegations against him (encl. 3A-B).
- PO David Pralgo has been a member of the service for 19 years and there is one substantiated CCRB allegations against him (encl. 3C-F).
- Sgt. Robert Martinez has been a member of the service for 16 years and there are five substantiated CCRB allegations against him (encl. 3G-J).
- PO Radoslaw Terepka has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 3K-M).

**Conclusion**

Page 12

**CCRB Case # 201404743**

### **Identification of Subject Officers**

- § 87(2)(b) described the subjects of Allegations A, F, L, P, R, and S as a 6'3" tall, 230 pound white male with an athletic build, a Russian accent, and blond hair. It should be noted that PO Hansen and PO Terepka are both approximately six feet tall, are in their mid-30s, and have average builds, light colored hair, and blue eyes. However, the investigation has determined that PO Terepka arrived at the scene after § 87(2)(b) was already handcuffed.  
§ 87(2)(g)
- § 87(2)(b) alleged that three to four officers in plainclothes approached his vehicle and pointed their guns at him and § 87(2)(b). These officers then pulled § 87(2)(b) out of his vehicle, punched and kicked him, and used numerous expletives while doing so. PO Hansen, PO Pralgo, and Sgt. Martinez all acknowledged approaching § 87(2)(b)'s vehicle after it was stopped, and PO Hansen stated that he pointed his gun at § 87(2)(b) and used some degree of physical force to apprehend him. § 87(2)(b)'s physical descriptions of the officers that pointed their guns at him and used physical force against him match PO Hansen's, PO Pralgo's, and Sgt. Martinez's pedigrees. § 87(2)(g)
- None of the officers interviewed acknowledged breaking § 87(2)(b)'s window. However, PO Pralgo's pedigree matches § 87(2)(b)'s physical description of the officer that broke his window. § 87(2)(g)
- § 87(2)(b) could not identify or provide a physical description of the officer that struck him with a blunt instrument or hit his head against the ground and none of the officers interviewed acknowledged doing so or seeing another officer do so. § 87(2)(g)
- § 87(2)(b) stated that an officer dug his nails into his arm while escorting him to an RMP, cursed at him while en route to the 75<sup>th</sup> Precinct stationhouse and at the stationhouse itself, and refused to obtain medical attention for him. His physical description of this officer matches PO Terepka's pedigree. In addition, PO Terepka acknowledged escorting § 87(2)(b) to an RMP and transporting him to the stationhouse. § 87(2)(g)
- § 87(2)(b) identified an officer named "Palapi" as the one who referred to him as a nigger. PO Terepka told § 87(2)(b) that this officer was the highest ranking officer at the scene. A search of CTS revealed that no active officer has the last name "Palapi." However, Sgt. Martinez was the Anti-Crime supervisor on the night of the incident and § 87(2)(b)'s physical description of the subject of this allegation matches Sgt. Martinez's pedigree. § 87(2)(g)

### **Allegations Not Pleaded**

- § 87(2)(b) and § 87(2)(b) both stated that an officer pulled § 87(2)(b) out of his vehicle by his neck. § 87(2)(b) stated that § 87(2)(b)'s neck was grabbed in such a manner that would have restricted his breathing. § 87(2)(b) also observed an officer putting his foot on § 87(2)(b)'s neck while he was on the ground. § 87(2)(b) made no mention of an officer making any physical contact with his neck or restricting his breathing. § 87(2)(g)
- § 87(2)(b) stated that officers transported his vehicle to the 75<sup>th</sup> Precinct stationhouse after he was arrested. However, he went on to state that the vehicle was released to its owner,

§ 87(2)(b), from the 75<sup>th</sup> Precinct stationhouse. § 87(2)(g)

- § 87(2)(b) alleged that § 87(2)(b) requested an asthma pump at the 75<sup>th</sup> Precinct stationhouse and that officers refused to provide her one. § 87(2)(b) stated that officers provided her with an asthma pump upon her request. § 87(2)(g)
- § 87(2)(b) stated that he was pulled over on Hegeman Avenue and Rockaway Avenue (within the confines of the 73<sup>rd</sup> Precinct) by the same unmarked car that pulled him over at Loring Avenue and Drew Street. § 87(2)(b) waited for approximately three to five minutes, but the vehicle's flashing lights turned off and no officers exited the vehicle. This prompted § 87(2)(b) to drive away and make a right onto Rockaway Avenue. § 87(2)(g)
- During his telephone statement on May 30, 2014, § 87(2)(b) stated that unidentified officers that rode in the RMP with him and PO Terepka to the 75<sup>th</sup> Precinct stationhouse used expletives towards him at the stationhouse. § 87(2)(b) did not make this allegation during his CCRB interview on June 9, 2014. § 87(2)(g)
- § 87(2)(b) stated that he requested medical attention from numerous unidentified officers at the 75<sup>th</sup> Precinct stationhouse. However, it is the arresting officer's responsibility to obtain medical treatment for arrestees. § 87(2)(g)
- After he was handcuffed, § 87(2)(b) stated that multiple officers searched his vehicle and § 87(2)(b) and § 87(2)(b) saw an officer search § 87(2)(b)'s person. At this point, § 87(2)(b)'s arrest was already affected. § 87(2)(g)
- § 87(2)(b) stated that his car was fully operational when he was arrested and broke down in police custody. However, the police radio communications recording indicated that Sgt. Martinez observed the car breaking down in the midst of the pursuit. § 87(2)(g)

## **Investigative Findings and Recommendations**

**Allegation A - Force: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen pointed his gun at § 87(2)(b)**

**Allegation B - Force: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo pointed his gun at § 87(2)(b)**

**Allegation C - Force: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez pointed his gun at § 87(2)(b)**

**Allegation D - Abuse of Authority: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo damaged § 87(2)(b)'s property.**

It is undisputed that § 87(2)(b) engaged officers in a high speed vehicular pursuit prior to his vehicle being stopped. § 87(2)(b) and § 87(2)(b) stated that three or more officers, including PO Terepka, pointed their guns at § 87(2)(b)'s vehicle before they were removed from the vehicle. § 87(2)(b) further alleged that officers had guns pointed at him while he was on the ground. They went on to state that an officer, identified by the investigation as PO Pralgo, struck the front passenger side window of § 87(2)(b)'s vehicle, shattering the window and resulting in scratches to § 87(2)(b)'s breasts. § 87(2)(b) stated that officers had their guns drawn while they approached § 87(2)(b)'s vehicle and an unidentified officer stood on top

of an RMP and pointed a gun at § 87(2)(b) while he was on the ground. § 87(2)(b) stated that no officers had their guns drawn, and § 87(2)(b) did not see any officers with their guns drawn or pointed. § 87(2)(b) and § 87(2)(b) did not observe any officers break any windows or strike a window with a blunt object.

PO Hansen acknowledged pointing a gun at § 87(2)(b) while he was seated in the vehicle. All of the other officers interviewed denied pointing a gun at § 87(2)(b) or seeing any other officer do so. PO Hansen and Sgt. Martinez stated that § 87(2)(b) was making furtive movements when they approached his vehicle and that he refused to exit the vehicle when he was ordered to do so. PO Hansen and Sgt. Martinez feared for their safety because § 87(2)(b)'s refusal to pull over led them to believe that he had committed a crime. Furthermore, Sgt. Martinez feared for his safety because § 87(2)(b) had reversed his vehicle towards him, leading him to question if § 87(2)(b) intended to hurt him.

PO Hansen, PO Pralgo, and PO Minardi stated that the front passenger side window was broken but they did not know how it broke. Four to five pieces of broken glass flew into PO Hansen's mouth, which he spit out. PO Terepka stated that he driver's side window was broken. PO Hansen, PO Pralgo, and PO Terepka did not know whether an officer struck the window with a blunt object and did not see an officer do so. Sgt. Martinez could not recall which window was broken, but believed that it was on the driver's side of the car. Sgt. Martinez did not know which officer broke it or how it was broken. He could not recall if he ordered an officer to break the window. PO Donaldson did not observe any broken windows or broken glass and did not see any officers break any of the windows on § 87(2)(b)'s vehicle.

NYPD v. Gliner (OATH Index No. 955/00; Sept. 6, 2000; encl. 1A-T) indicates that an officer may draw or point his firearm as long as he has a reasonable fear that his own life or the life of another is endangered. NYPD v. Vanweddinger (OATH Index No. 2053/00; Jan. 22, 2001; encl. 2A-U) indicates that "a police officer acting on reasonable suspicion that criminal activity is afoot and on articulable basis to fear for his own safety may intrude upon the person or personal effects of the suspect only to the extent that is actually necessary to protect himself from harm while he conducts the inquiry."

§ 87(2)(g)

**Allegation E - Force: At Loring Avenue and Drew Street in Brooklyn, PO Todd Hansen used physical force against § 87(2)(b)**

**Allegation F - Force: At Loring Avenue and Drew Street in Brooklyn, PO David Pralgo used physical force against § 87(2)(b)**

**Allegation G - Force: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert Martinez used physical force against § 87(2)(b)**

**Allegation H - Force: At Loring Avenue and Drew Street in Brooklyn, an officer struck § 87(2)(b) with a blunt instrument.**



**Allegation I - Force: At Loring Avenue and Drew Street in Brooklyn, an officer hit § 87(2)(b)'s head against the ground.**

§ 87(2)(b) stated that three to four plainclothes officers approached his vehicle and PO Hansen opened his door, pulled him out of the vehicle by his head and his chest, and threw him face down onto the ground without giving him a chance to comply with their orders to exit the vehicle. § 87(2)(b) put his hands behind his back. The officers then punched and kicked him in his head, jaw, ribs, and elbows, pinned his legs down, placed their knees in his back. § 87(2)(b) also stated that an officer struck his elbow with a blunt object. He believed that an officer banged his head against the ground and then held it down. § 87(2)(b) could not move and was not physically resisting the officers. After approximately two to three minutes, an unidentified officer handcuffed § 87(2)(b). The officers continued to kick and punch § 87(2)(b) for “a couple of minutes” after he was handcuffed. As a result, § 87(2)(b) sustained a bump on his forehead, soreness in his jaw and ribs, and pain in his right leg.

§ 87(2)(b) stated that officers punched and kicked § 87(2)(b) and held his head onto the ground. She did not recall the officers assaulting § 87(2)(b) after he was handcuffed. § 87(2)(b) stated that six to seven officers “wrestled” with § 87(2)(b) on the ground to try to get him to relax so he could be handcuffed. He stated that none of the officers punched or kicked § 87(2)(b) struck him with a blunt object, or intentionally banged his head against the ground. He noted that if § 87(2)(b)'s head was banged against the ground, it was a result of him resisting arrest. § 87(2)(b) stated that one officer grabbed § 87(2)(b) by his neck while another officer grabbed him by his elbows and pulled him out of the car and slammed him face down onto the ground. One officer then struck § 87(2)(b) in the back and the ribs with his knees. § 87(2)(b) did not see any officer punch or kick § 87(2)(b) or strike him with a blunt object. § 87(2)(b) stated that § 87(2)(b) did not resist the officers and that the struggle on the ground lasted about 15 to 20 minutes. § 87(2)(b) did not witness any physical force being used against § 87(2)(b).

All of the officers interviewed, except for PO Hansen, denied using any physical force against § 87(2)(b) being involved in handcuffing § 87(2)(b) or making any physical contact with him. PO Hansen stated that he opened § 87(2)(b)'s door and pulled him out of the car by his left arm and his shirt. § 87(2)(b) swung at PO Hansen but missed and PO Hansen used the momentum of the swing to bring § 87(2)(b) to the ground. PO Hansen ordered § 87(2)(b) to remove his arms from underneath his body and he did not comply. He then attempted to pull § 87(2)(b)'s arms out from underneath his body but was unsuccessful. Therefore, as per his training, PO Hansen put one knee into § 87(2)(b)'s waist area and delivered one punch to his kidney area, freeing his arms and allowing PO Hansen to handcuff him.

Patrol Guide Procedure 203-11 authorizes an officer to use the minimum amount of force necessary to overcome resistance to affect an arrest (encl. 3A-B). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation J - Discourtesy: At Loring Avenue and Drew Street in Brooklyn, PO Todd**

**Hansen spoke rudely to § 87(2)(b)**

**Allegation K - Discourtesy: At Loring Avenue and Drew Street in Brooklyn, PO David**

**Pralgo spoke rudely to § 87(2)(b)**

**Allegation L - Discourtesy: At Loring Avenue and Drew Street in Brooklyn, Sgt. Robert**

**Martinez spoke rudely to § 87(2)(b)**

§ 87(2)(b) alleged that while being punched and kicked, PO Hansen, PO Pralgo, Sgt. Martinez, and possibly a fourth officer told him to “shut the fuck up” and used numerous profanities. § 87(2)(b) stated that Sgt. Martinez asked § 87(2)(b) “Why didn’t you fucking stop?” Neither § 87(2)(b) nor § 87(2)(b) heard the officers use any profanities. All of the officers interviewed denied using any profanities or hearing any other officer do so.

An officer’s use of profanity in highly stressful situations is not a disciplinary offense. NYPD v. Ebanks, PATH Index No. 76079/00 (encl. 4A-a)

§ 87(2)(g)

**Allegation M - Force: At Loring Avenue and Drew Street in Brooklyn, PO Radoslaw**

**Terepka used physical force against § 87(2)(b)**

**Allegation N - Offensive Language: At Loring Avenue and Drew Street in Brooklyn, Sgt.**

**Robert Martinez made remarks to § 87(2)(b) based upon race.**

**Allegation O - Abuse of Authority: En route to and at the 75<sup>th</sup> Precinct stationhouse, PO**

**Radoslaw Terepka refused to obtain medical treatment for § 87(2)(b)**

**Allegation P - Discourtesy: En route to the 75<sup>th</sup> Precinct stationhouse and at the 75<sup>th</sup>**

**Precinct stationhouse, PO Radoslaw Terepka spoke rudely to § 87(2)(b)**

§ 87(2)(b) stated that while being escorted to an RMP, PO Terepka dug his nails into his arm. After he was seated in an RMP, Sgt. Martinez called him a “fucking nigger” or a “stupid motherfucking nigger.” When § 87(2)(b) threatened to sue Sgt. Martinez, he responded, “You wouldn’t be the first nigger who did it.” § 87(2)(b) stated that he requested medical attention while en route to the 75<sup>th</sup> Precinct stationhouse and at the stationhouse itself multiple times but never received medical attention. § 87(2)(b) stated that while en route to the 75<sup>th</sup> Precinct stationhouse, PO Terepka said, “What the fuck is wrong with you? Why the fuck did you drive off like that?” At the 75<sup>th</sup> Precinct stationhouse, PO Terepka asked him, “What the fuck is your name?” § 87(2)(b) stated that an officer called § 87(2)(b) a “nigger” while § 87(2)(b) was being punched and kicked. § 87(2)(b) and § 87(2)(b) did not hear any officer use the word “nigger” or see an officer dig his nails into § 87(2)(b)’s arm. PO Terepka denied digging his nails into § 87(2)(b)’s arm and all of the other officers interviewed denied seeing an officer do so. All of the officers interviewed denied using the word “nigger” or any profanities at any point or hearing any other officer do so. None of the officers interviewed were aware of § 87(2)(b) requesting medical attention at any point. § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date